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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 04 2007

Patent Number: 6,505,391 B1

Patent Date: 2003 Jan 14

Applicant: Philippe Berna

Patent Title: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A DEVICE AND ITS USE.

Examiner/GAU: David Bryant/3726

Molières-sur-Cèze, France, 2007, September 03, Mon

REQUEST FOR RECONSIDERATION TO THE DECISION OF JULY 19, 2007 ON THE RESPONSE TO THE DECISION ON THE PETITION FILED ON JULY 11, 2003.

Outstanding decision of Senior Petitions Attorney Nancy Johnson mailed July 19, 2007 on response dated March 10, 2006 to decision mailed December 20, 2005 on petition filed July 11, 2003

Hon. Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

In her decision mailed July 19, 2007, Senior Petitions Attorney Nancy Johnson postulates that applicant properly filed CPAs on May 15, 2000 and August 16, 2001, in consideration of MPEP 201.06 (b). The truth is that applicant has been imposed transformation of his pure continuation applications filed on same dates under former rule 62, without any effect on the determination of patent term, into CPAs, which are real new applications, with an effect on the determination of patent term. In other words, in consideration of MPEP 201.06 (b), it has been imposed on applicant the opposite of what he was looking for. Never applicant was notified of the filing error. MPEP 201.06 (b) is neither an article of the law nor a rule. Could Senior Petitions Attorney Nancy Johnson give the reason why she stands upon this MPEP paragraph as if it would have been the law? No article of the law or rule specified that an application filed under former rule 62 should be turned into a CPA. Could a single paragraph of MPEP go beyond the law and finally entail the breach of the initial implicit contract (turning the patent term which was initially 17 years from issuance to only 8 years)? Could a single paragraph of MPEP reverse what it was looking for?

Petitioner understood only in March 2003, subsequently to many inquiries, two months after the issuance of his patent, that term thereof has been strongly reduced, and discovered only in February 2006, by reading decision mailed December 20, 2005, the subtle reason why. The fact that petitioner discovered the truth so lately is already an evidence that the US Patent and Trademark Office could do much better at timely providing advice and information to applicants,

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chiefly when they do inquire. In view of the contents of petition filed on July 11, 2003 and the contents of request for reconsideration filed on March 10, 2006, it is also manifest that should the Patent and Trademark Office would have provide timely advice and information to applicant, in particular in responding to the latter's inquiries, such a term reduction would never have been reached. How many inquiries from applicant have been left without any answer. To say the least, applicant suffered a clear default of advice and information from the PTO.

From records, it is also transpicuous that proceedings that led to instant patent could have been much shorter and ended to issuance of same patent by June 8, 1995, in which case patent term would not have been reduced and there would be no debate today about it, if a competent and conscientious Examiner like David Bryant would have been assigned from the beginning to this proceedings instead of Thomas Hughes. Examiners are clearly not equal regarding the capability to understand inventions and the liking to work. Applicants pay the same fees.

For the sake of equity (in the spirit of 1776 Virginia Declaration of Rights, and daughters of it) and of consistency, in view of the contents of petition filed on July 11, 2003 and in view of the contents of request for reconsideration filed on March 10, 2006, petitioner respectfully entreats the Director of the Patent and Trademark Office to intervene so that his continuation applications filed under former rule 62 respectively on December 15, 1998, May 15, 2000 and August 16, 2001, would be turned retroactively (since retroactivity would be allowed for civil legal proceedings in the United States of America) into RCEs or submissions, as it suits the best. Refusing this respectful entreaty would amount to convey to paragraph MPEP 201.06 (b) the virtues of an article of the law or of a rule and therefore would encroach upon the powers of the law makers.

Very respectfully submitted,

Philippe Berna

Philippe Berna, Petitioner Pro Se
Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France; Phone and Fax Number: (33) 46 624 3518

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence of two pages including this one is being facsimile transmitted to the U.S. Patent and Trademark Office (Office of Petitions, with fax number 571-273-8300) on 9/03/2007.

Printed name of person signing this certificate:

Philippe Berna

Philippe Berna

Signature: _____

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